

INTERVIEW SUMMARY

During a telephonic interview, Applicants requested that the finality of the action dated June 1, 2005 be withdrawn since a new rejection was made of previously allowed claims. Applicants were considering adding back cancelled claims 1-11 to address all issues regarding copending application 10/240,606 in this application.

REMARKS

Applicants acknowledge and appreciate withdrawal of finality set forth in the office action dated August 10, 2005. After further consideration, applicants have elected not to add back cancelled claims 1-11.

Claims 12-34, 38-53, 56-62, 64, 66, 68 and 70-77 are pending.

Claim 64 has been amended to replace the word “regulation” with the word “lessening.” Support for this amendment is found in Table 2 on page 34 of the specification. The rejection of claims 64 and 68 under 35 U.S.C. § 112, second paragraph is now moot. The new language is clear in meaning and clearly satisfies the requirements of 35 U.S.C. § 112, second paragraph.

Claim 66 has been amended to delete the phrase objected to: “preventing or,” rendering moot the rejection under 35 U.S.C. § 112, first paragraph.

Claims 14-34, 38-53, 56-62, 64, 68 and 70-77 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention of new claims 16-74 of copending application Serial No 10/240,606 (‘606 application).

Applicants submit this rejection should be withdrawn in that the specification of copending application Serial No. 10/240,606 does not support new claims 16-74 therein and that the addition of these claims introduce new matter to the ‘606 application.

Claims 14-37 herein define methods wherein K5 glycosaminoglycans are prepared wherein the intermediate product obtained after an oversulfation step (step iii) is treated with a "mixture methanol/dimethylsulfoxide for a period of time of from 135 to 165 minutes." The '606 application does not disclose such a treatment period. Instead, 1-8 hours are mentioned in paragraph 57 and 3.5 hours are mentioned in paragraph 116 of U.S. Publication 2004/0146994.

As to compounds claimed within claims 38-53 and 56-62, and employed in the methods of claims 64, 68 and 70, the formulae recited in these claims to define these compounds are not present in '606 application.

In that claims 16-74 are not supported by the '606 application, they cannot issue from the '606 application. Therefore, there is no basis to maintain the provisional double-patenting rejection under 35 U.S.C. §101 and it should be withdrawn.

Claims 12 and 13 have been provisionally rejected under doctrine of obviousness type double-patenting in view of claims 1, 4, 13 and 14 of copending application 10/240,606.

Applicants submit that instant claims 12, and 13 concern particularly favorable features of the invention which require the selection of features that are not obvious from the claims within the '606 application.

In particular, claims 12 and 13 require the selection of conditions for step e, the O-desulfation step (performed with a solution of dimethyl sulfoxide/methanol 9/1 (V/V) at 60°C for 3 hours), and conditions for step f, the 6-O-sulfation step (performed by reacting a tertiary amine or quaternary ammonium salt of the selectively O-desulfated product with a calculated amount of a sulphating agent at a temperature of 0-5°C for 0.5-3 hours), which

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Reply to Office Action of June 1, 2005

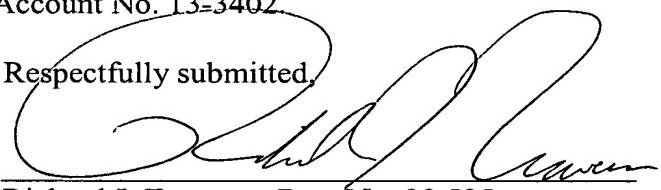
Page 18

would not be obvious in view of the subject matter of claims 1, 4, 13 and 14 of copending application Serial No. 10/240,606.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402

Respectfully submitted,


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